



### III.

In accordance with the Court's Order, the auction was advertised in *The Monitor*, a newspaper in general circulation in McAllen, Texas, during the weeks of July 5 through 26, 2012. *See* Exhibit 1, Affidavit of Publication.

### IV.

Aside from Plaintiff, no individual or entity has made an appearance in this action, however, the following governmental agencies have filed liens against the Subject Property:

1. City of McAllen. Due to the derelict and abandoned nature of the property, the City of McAllen undertook on various occasions to provide mowing and trash pickup services, for which it filed liens against the Subject Property with the Hidalgo County Clerk's Office, which liens total \$990.00 in the aggregate. *See* Exhibit 2, file-stamped copies of City of McAllen mowing liens.

2. Hidalgo County, Hidalgo County Drainage District #1, McAllen Independent School District, City of McAllen, South Texas College, and South Texas Independent School District (collectively "Taxing Authorities"). The foregoing Taxing Authorities have filed liens for unpaid taxes on the Subject Property totaling \$22,239.95 (*See* attached Exhibit 3, Certified Tax Statements) plus costs of court and other expenses totaling \$1,137.00 (*See* attached Exhibit 4, Abstract of Judgment), for a total tax lien of \$23,376.95.

The owner of the Subject Property and all other Defendants defaulted and have failed to make any appearance in this action, despite having been properly served with process and despite having actual notice of the action and of the judicial sale of the Subject Property.

### V.

The sale of the Subject Property generated several attendees at the auction which was opened for competitive bidding; however, only one bid was offered in the amount of the

reserve minimum. On information and belief, the result of the auction demonstrates that the sum of \$160,000.00 is the highest price that can reasonably be expected to be received for the Subject Property, and nothing would be gained by ordering the Subject Property to be re-sold.

VI.

Three days have elapsed from the date of the sale, and there has been no objection filed.

Plaintiff prays that this Court enter an Order that:

1. the August 8, 2012 auction sale of the Subject Property is found to have been proper and lawful, and is confirmed;

2. the U.S. Marshal is ordered to deposit into the Registry of the Court the proceeds of the sale minus his statutory costs of sale and commission;

3. the U.S. Marshal is ordered to issue a Bill of Sale and Warranty Deed to the successful bidder, Affordable Homes of South Texas, Inc.;

4. the Clerk of Court is ordered to pay over the net proceeds of the sale to Phelps Dunbar LLP Trust Account for the benefit of Plaintiff/Judgment Creditor Chia Meng Co. Ltd.;

5. Plaintiff/Judgment Creditor Chia Meng Co. Ltd. is ordered to satisfy the following liens against the Subject Property:

a. City of McAllen mowing liens in the aggregate amount of \$990.00, made payable to the City of McAllen; and

b. Hidalgo County Taxing Authorities tax liens in the amount of \$22,239.95 plus costs and expenses of \$1,137.00, totaling \$23,376.95, made payable to Perdue Brandon Fielder Collins & Mott LLP Trust Account; and

6. Plaintiff have such other and further relief to which it may show itself to be justly entitled.

Respectfully submitted,



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CHIA MENG CO. LTD.**

**OF COUNSEL:**  
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and

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100 Park Avenue, 31st Floor  
New York, New York 10017

**CERTIFICATE OF CONFERENCE**

I certify that no parties have filed appearances in this case; therefore, this Motion is filed Unopposed.

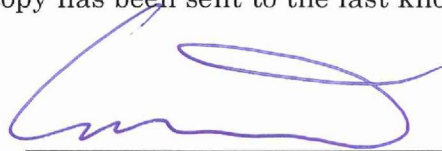


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Marc G. Matthews

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Motion to Confirm Sale was filed electronically with the Clerk. A courtesy copy has been sent to the last known address of the Defendants in default.



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Marc G. Matthews